Intermec Technologies Corp. v. Palm, Inc. Doc. 131

Matthew R. Schultz (220641)
Timothy D. Battin
Thomas Palumbo
STRAUS & BOIES, LLP
4041 University Drive
5th Floor
Fairfax, VA 22030
Telephone: (703) 764-8700
Facsimile: (703) 764-8704

Counsel for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TRAVIS WIEBE, on behalf of himself and all others similarly situated, *Plaintiff*, v. NETFLIX, INC, WAL-MART STORES, INC., and WALMART.COM USA LLC, *Defendants*.	Case No. 3:09-CV-01274-JCS **DECLARATION OF MATTHEW R. SCHULTZ IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER TO RELATE CASE**

I, Matthew R. Schultz, declare:

1. I am a member in good standing of the Bar of the State of California and am admitted to practice before this Court. I am an attorney at the law firm Straus & Boies LLP, counsel for Travis Wiebe in the above-captioned action. I submit this Declaration in support of Plaintiff's *Administrative Motion to Consider Whether to Relate Case*. The matters set forth herein are of my own personal knowledge, and if called and sworn as a witness I could competently testify regarding them.

2. Attached hereto as Exhibit A is a true and correct copy of a complaint captioned *Travis Wiebe v. Netflix, Inc., Wal-Mart Stores, Inc., Walmart.com USA LLC*, Case No. 09-cv-00958 (JCS) filed on March 24, 2009 in the Northern District of California and assigned to the

Dockets.Justia.com

Honorable Joseph C. Spero. The *Wiebe* action is a proposed class action on behalf of paid subscribers to Netflix.

3. After reviewing the complaints listed in the *Administrative Motion to Consider Whether to Relate Case*, it appears that plaintiffs in these cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants based on many of the same factual allegations.

4. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained because Defendants in this action have not yet appeared.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed in Fairfax, Virginia on March 31, 2009

DATED: March 31, 2009

Respectfully submitted,

By: ______________________________

Matthew R. Schultz (220641)

Timothy D. Battin
Thomas Palumbo
STRAUS & BOIES, LLP
4041 University Drive
5th Floor
Fairfax, VA 22030
Telephone: (703) 764-8700
Facsimile: (703) 764-8704

Counsel for Plaintiff